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Attorneys for Ae Ja Elliot Park

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

I, David G. Banes, under penalty of perjury, hereby declare and state as follows:

1. I am the attorney for Plaintiff in the above-entitled case.

2. Upon my best knowledge and belief, Defendants Michael Langdon and Norbert Duenas Babauta are believed to have permanently left the Commonwealth, preventing service of the Summons and Complaint directly upon them.

1 3. Plaintiff attempted service upon Defendant Norbert Duenas Babauta. However,
2 Plaintiff's process server learned from Defendant Babauta's brother that said Defendant moved
3 to Guam. *See Return of Service of Rainaldo Agulto, Exhibit "A."*

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5 4. Plaintiff attempted service upon Defendant Michael Langdon. However,
6 Plaintiff's process server learned from Defendant Langdon's co-worker that said Defendant
7 moved to the United States. *See Return of Service of Rainaldo Agulto, Exhibit "B."*

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10 5. Plaintiff attempted service upon Defendant Norbert Duenas Babauta on Guam.
11 However, Plaintiff's process server on Guam is unable to locate said Defendant.

12
13 6. Plaintiff does not know the whereabouts of Defendants Langdon and Babauta.

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16 7. Plaintiff proposes to serve the Summons and Complaint upon the Office of the
17 Attorney General and publish the Summons in a Commonwealth newspaper in compliance
18 with 7 CMC §1104.

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20 8. This Declaration supports Plaintiff's Motion for Service by Publication.

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23 I, David G. Banes, have read the foregoing declaration, and declare and state under
24 penalty of perjury that it is true and correct to my best knowledge and belief, and if called upon
25 to testify, I could competently testify thereto.

Executed this 20th day of July, 2007 at Saipan, Northern Mariana Islands.

/s/
DAVID G. BANES

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